

## CHAPTER 20.94

### AMENDMENTS

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#### **20.94.010 Method of Amendment**

This code may be amended by changing the boundaries of districts or by changing any other provisions thereof whenever the public necessity and convenience and the general welfare require such amendment by following the procedure of this chapter.

#### **20.94.020 Initiation of Amendments**

- A. Zoning Regulations. Amendments to the zoning regulations shall be initiated by the adoption of a resolution of intention by either the Planning Commission or the City Council.
- B. Districting Map. Amendments to the Districting Map shall be initiated by the adoption of a resolution of intention by either the Planning Commission or the City Council or by application of the owner or authorized agent of the property for which the change is sought. If property that is the subject of an application is in more than one ownership, all the owners or their authorized agents shall join in filing the application.

#### **20.94.030 Notice and Public Hearings**

- A. Public Hearing. The Planning Commission shall hold at least one public hearing on any proposed amendment.
- B. Required Notice. Notice of such hearing shall be given as follows:
  - 1. Mailed or Delivered Notice. In case the proposed amendment consists of a change so as to reclassify any property from any district to any other district or affects the permitted uses of real property, at least 10 days prior to the

hearing, notice shall be mailed to the applicant, the property owner, and all owners of property within 300 feet, excluding intervening rights-of-way and waterways, of the boundaries of the site, as shown on the last equalized assessment roll or, alternatively, from such other records as contain more recent addresses. It shall be the responsibility of the applicant to obtain and provide to the City the names and addresses of owners as required by this section.

If the number of owners to whom notice would be mailed pursuant to this section is greater than 1000, the Planning Director, at his discretion, in lieu of mailed or delivered notice, may provide notice by placing a display advertisement of at least one-eighth page in at least one newspaper of general circulation within the City at least 10 days prior to the hearing. In cases involving amendments to the Districting Map, notice shall be given by mail to the owner of property that is the subject of the proposed amendment.

2. Posted Notice. Notice shall be posted in not less than 2 conspicuous places on or close to the property at least 10 days prior to the hearing.
3. Published Notice. Notice shall be published in at least one newspaper of general circulation within the City, at least 10 days prior to the hearing.
4. Notice to Affected Community and Business Associations. In addition, when applicable, the community and/or business association representing the area in which the affected property is located shall also be notified as provided herein.

C. Contents of Notice. The notice of public hearing shall contain:

1. A brief description of the amendment.
2. A statement of the time, place, and purpose of the public hearing;
3. A reference to application materials on file for detailed information;
4. A statement that any interested person or authorized agent may appear and be heard.

D. Continuance. Upon the date set for a public hearing before the Planning Commission, the Planning Commission may continue the hearing to another date without giving further notice thereof if the date of the continued hearing is announced in open meeting.

**20.94.040 Duties of the Planning Commission**

- A. Action by the Planning Commission. Following the hearing provided for by Section 20.94.030, the Planning Commission shall approve or disapprove the proposed amendment.
- B. Report to the City Council. If approved, the Planning Commission shall make and file a report of its findings and recommendations with the City Council. The Planning Commission shall make its decision and file its report no later than 90 days after the first published notice of the Planning Commission hearing, unless such time limit is extended upon the mutual agreement of the parties having an interest in the proceedings. Failure of the Planning Commission to take action on the proposed amendment or failure to report within the time limit shall be deemed to be approval of the proposed amendment by the Planning Commission.
- C. Denial by the Planning Commission. If the proposed amendment is disapproved, no further action shall be taken thereon, unless appealed to the City Council under the provisions of Chapter 20.95: Appeals.

**20.94.050 Action by City Council**

- A. Hearing Date and Notice. Upon receipt of such report from the Planning Commission, or upon the expiration of the time limit prescribed in Section 20.94.040, or upon the filing of any appeal, the City Council shall set the matter for at least one public hearing giving notice thereof as prescribed in Section 20.94.030.
- B. Time of Hearing. The decision of the City Council shall be rendered within 60 days after the receipt of a report and recommendation of approval from the Planning Commission or after the expiration of the time limit prescribed in Section 20.94.040, or within 60 days after the filing of any appeal.
- C. Notice to the Planning Commission. Notice shall also be given to the Planning Commission of such appeal, and the Planning Commission shall submit a report of its findings and recommendations to the City Council setting forth the reasons for the decision of the Commission, or the Commission shall be represented at the hearing.
- D. Action by the City Council. After the conclusion of such hearing, the City Council may adopt or reject the proposed amendment, or any part thereof, in such form as the Council may deem to be advisable, or the Council may refer the matter back to the Planning Commission for further study and recommendation.